

Date: October 26, 1998  
To: Adult Family Homes  
From: Judy Fryback, Director  
Bureau of Quality Assurance

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AFH 08

### **Recent Changes to Chapter 50 of the Wisconsin Statutes Affecting Adult Family Homes**

On June 17, 1998, several changes to chapter 50, Wisconsin statutes became effective through 1997 Wisconsin Act 237. These changes affect licensed adult family homes by modifying several definitions and by adding other definitions. The purpose of this memorandum is to identify the definitions that were changed in the statutes or added to the statute.

1. The definition of an adult family home was changed. "*Adult family home*" means...

(b) A place ~~that meets the definition under sub. (1g)(e), and except that only where 3 or 4 unrelated adults reside there~~ adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. "Adult family home" does not include a place that is specified in sub. (1g)(a) to (d), (f) or (g). [s. 50.01(1), Stats.]

An adult family home does not include any of the following:

"(a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.

(b) A facility or private home that provides care, treatment and services only for victims of domestic abuse, as defined in s. 46.95 (1) (a), and their children.

(c) A shelter facility as defined under s. 16.352 (1) (d).

(d) A place that provides lodging for individuals and in which all of the following conditions are met:

1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.

2. No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employee any of the following:

a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.

b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.

(f) A residential care apartment complex.

(g) A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment."

Other definitions modified by the Legislature include the following:

2. "'Basic care' includes periodic skilled nursing services or physical, emotional, social or restorative care." [s. 50.01(1e), Stats.]
3. "'Nursing care' means nursing procedures, other than personal care, that are permitted to be performed by a registered nurse under s. 441.01(3) or by a licensed practical nurse under s. 441.11(3), directly on or to a resident." [s. 50.01(2m), Stats.]
4. "'Operator' means any person licensed or required to be licensed under s. 50.03 (1) or a person who operates an adult family home that is licensed under s. 50.033(1m)(b)." [s. 50.01(4m), Stats.]
5. "'Personal care' means assistance with the activities of daily living, such as eating, dressing, bathing and ambulation, but does not include nursing care." [s. 50.01(4o), Stats.]
6. "'Resident' means a person who is cared for or treated in any and is not discharged from a nursing home or a community-based residential facility or adult family home, irrespective of how admitted." [s. 50.01(6), Stats.]

If you wish to review the current version chapter 50, Stats., in its entirety, you can access it via the internet at <http://www.legis.state.wi.us> and click on "Statutes and Constitution," then on "Wisconsin Statutes and Annotations." The updated version of chapter 50 should be posted at that site. We also intend to provide a link to that site at the BQA website in the near future.

Should you have any questions regarding any of the preceding changes to chapter 50 made by 1997 Wisconsin Acts 237 and 280, please contact one of the Regional Field Operations Directors (RFOD) listed on the next page.

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